

ANDRE BOLIN,
Register No. 502741,

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Defendants.

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No. 02-4245-CV-C-NKL

This case was originally filed on November 8, 2002, and there is an impending trial date set for December 12, 2005. Moreover, the court notes that defendant Claeys is not pertinent to plaintiff's central claims against defendant Rude, which allege that Rude assaulted plaintiff and, subsequently, denied him medical treatment for his injury. Pursuant to plaintiff's Amended Complaint filed February 3, 2005, plaintiff's claims against Claeys are based only upon allegations that on one occasion, defendant Claeys denied him a change of bandage for his injured finger. Therefore, upon review and consideration, it is

ORDERED that plaintiff's request for an extension of time is denied [92]. It is further

RECOMMENDED that plaintiff's claims against defendant Mary Claeys be dismissed, pursuant to Fed. R. Civ. P. 4(m).

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within ten days. If additional time is needed, a motion for an extension of time must be filed within ten days. The motion should state the reasons for the request. *See Nash v. Black*, 781 F.2d 665, 667 (8th Cir. 1986) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)); *Messimer v. Lockhart*, 702 F.2d 729 (8th Cir. 1983). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

Dated this 1st day of September, 2005, at Jefferson City, Missouri.

/s/ _____

WILLIAM A. KNOX
United States Magistrate Judge